

Remarks

The Office Communication states that applicant incorrectly filed an Appeal Brief arguing that the rejection of claims 23, 26 and 29 was unfounded, rather than a Petition of the Examiner's objection, and that the non-extendable two-month time period for filing such a Petition has elapsed. Although the Appeal Brief clearly demonstrated that the objection as well as the rejection of claims 23, 26 and 29 is erroneous, the Office Communication states that applicant must cancel claims 23, 26 and 29 or abandon the application. The reasons why the objection is unfounded, which were discussed in the two Amendments After Final Rejection that were not entered by the Examiner as well as in the Appeal Brief, will not be reiterated here. Instead, applicant is canceling without prejudice claims 23, 26 and 29 so that Appeal of the remaining claims can proceed.

Respectfully submitted,

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 22, 2006.

Date: 2-22-06



Mark Lauer



Mark Lauer  
Reg. No. 36,578  
6601 Koll Center Parkway  
Suite 245  
Pleasanton, CA 94566  
Tel: (925) 484-9295  
Fax: (925) 484-9291